



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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June 20, 2013

Goodwill of Southwestern Pennsylvania  
c/o Lisa Mardis  
Project Management Services  
160 Fayette Street  
Morgantown, WV 26505

**RE: V13-19 / Goodwill of Southwestern Pennsylvania / 1954 Hunters Way  
Tax Map 44A, Parcel 7.2**

Dear Ms. Mardis,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 1954 Hunters Way.

The decision is as follows:

**Board of Zoning Appeals, June 19, 2013:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. V13-19 to relocate and change existing signage and install additional signage with the following conditions:
  - a) That the final plat approved by the Planning Commission under Case No. MNS13-05 must be recorded at the Monongalia County Courthouse prior to the issuance of building permits pertaining to signs included in the master sign plan approved herein.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

## **ADDENDUM A – Approved Findings of Fact**

### **V13-19 / Goodwill of Southwestern Pennsylvania / 1954 Hunters Way**

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**Finding of Fact No. 1** – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The Goodwill property is situated quite a distance from Earl Core Road which creates a significant disadvantage for visibility of the business in comparison to similar commercial/retail establishments within the corridor. In the concept phase of the building, it was decided to turn the building so the entrance was in closer proximity to the parking area. Visibility has also been hampered by the under-construction commercial building of R.E. Michel.

It appears that the predominant commercial signage and messaging patterns within the Earl Core Road corridor exceed the maximum area standards set forth in the Planning and Zoning Code. Compliance with said maximum standards may result in a competitive disadvantage for the petitioner.

The realty contains multiple access points which appear to validate the need for additional way finding mechanisms to aid customers to the access points of the store and for safe circulation in and through the uniquely shaped property.

The BZA granted variance relief in July 2012 for wall signage in the amount of 79.77 square feet. Now that the store is open for business, the store managers have expressed concerns that customers are complaining that the entrance of the store is difficult to find and that access is confusing. The proposed signage, which will read ‘Goodwill North Central West Virginia Workforce Development Center’ will improve needed way finding for Goodwill’s multiple services.

Goodwill has also decided to relocate the existing signage in order to ease the confusion of patrons and attempt to draw in more customers.

**Finding of Fact No. 2** – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of non-conforming and variance-approved wall signs within the Earl Core Road commercial corridor which exceed the maximum permitted wall sign area. Additionally, the BZA has granted similar relief within the area since the sign standards were revised in the 2006 major zoning ordinance amendment.

It appears that the majority of commercial signs along the Earl Core Road corridor are nonconforming as most do not meet maximum area set forth in Article 1369 of the Planning and Zoning Code. In March 2011, the Board granted a 97.08 square foot sign variance for JD Byrider, which sets back approximately 240 feet from Earl Core Road. Likewise, in October 2010, the Board granted a 149.74 square foot sign variance for Auto Zone, which sits back 77.5 feet from Earl. L. Core Road.

**Finding of Fact No. 3** – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Proper direction/orientation of customers assisted by size and location of proposed signage appears to be an acceptable means of improving safe and efficient circulation in and around the subject site. The extent of requested variance relief reflects existing signage patterns

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along the Earl Core Road corridor, which do not presently appear to harm public welfare, adjoining properties, or improvements.

**Finding of Fact No. 4** – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The proposed sign plan should not impede neighboring buildings and should aid in safer arrival/circulation of all vehicles for the signage as proposed.

The requested signage should not contribute to additional traffic congestion any more than the present businesses located along the same corridor.

With the land use being similar/same to the other businesses within the commercial corridor, along with the requested signage type and design being characteristic of the Sabraton B-2 Zoning District, additional congestion or decreasing the market value of nearby neighboring properties or uses is most unlikely and not anticipated.

The proposed plan appears to be consistent with the predominant commercial signage patterns of the Earl Core Road corridor, which do not appear to diminish the market value or vitality of the well-established commercial corridor. Variances in relation to signage cannot contribute to nor mitigate existing traffic volumes on neighboring street.